

Senate, March 25, 1998. The Committee on General Law reported through SEN. COLAPIETRO, 31st DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PHARMACY TECHNICIANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) No person shall act as a  
2 pharmacy technician unless registered with the  
3 Department of Consumer Protection.  
4 (b) The department shall, upon authorization  
5 of the Commission of Pharmacy, register as a  
6 pharmacy technician any person who presents  
7 evidence satisfactory to the department that such  
8 person is qualified to perform, under the direct  
9 supervision of a pharmacist, routine functions in  
10 the dispensing of drugs that do not require the  
11 use of professional judgment. The qualifications  
12 for registration as a pharmacy technician under  
13 this section shall be in accordance with (1) the  
14 standards of an institutional pharmacy, a  
15 care-giving institution or a correctional or  
16 juvenile training institution, in the case of  
17 employment in any such pharmacy or institution, or  
18 (2) the standards established by regulation  
19 adopted by the Commissioner of Consumer Protection  
20 in accordance with chapter 54 of the general  
21 statutes, in the case of employment in a pharmacy.  
22 As used in this subsection, "direct supervision"  
23 means a supervising pharmacist (A) is physically

24 present in the area or location where the pharmacy  
25 technician is performing routine drug dispensing  
26 functions and (B) conducts in-process and final  
27 checks on the pharmacy technician's performance.

28 (c) The fee required by section 20-601 of the  
29 general statutes, as amended by section 6 of this  
30 act, shall accompany an application for  
31 registration under this section. A registration as  
32 a pharmacy technician shall be valid for one year  
33 and may be renewed upon application and payment of  
34 the fee required by section 20-601 of the general  
35 statutes, as amended by section 6 of this act.

36 Sec. 2. Subdivision (20) of section 20-571 of  
37 the general statutes is repealed and the following  
38 is substituted in lieu thereof:

39 (20) "Pharmacy technician" means an  
40 individual who is REGISTERED WITH THE DEPARTMENT  
41 AND qualified [according to the standards of an  
42 institutional pharmacy, a care-giving institution  
43 or a correctional or juvenile training  
44 institution, or, in the case of a pharmacy, by  
45 standards established by regulations adopted by  
46 the Department of Consumer Protection, to perform,  
47 under the direct supervision of a pharmacist,  
48 routine functions in the dispensing of drugs which  
49 do not require the use of professional judgment.  
50 As used in this subdivision, "direct supervision",  
51 means a supervising pharmacist is physically  
52 present in the area or location where the pharmacy  
53 technician is performing his functions and  
54 conducts in-process and final checks on said  
55 technician's performance] IN ACCORDANCE WITH  
56 SECTION 1 OF THIS ACT.

57 Sec. 3. Section 20-576 of the general  
58 statutes is repealed and the following is  
59 substituted in lieu thereof:

60 (a) The Commissioner of Consumer Protection  
61 may, with the advice and assistance of the  
62 Commission of Pharmacy, adopt regulations in  
63 accordance with chapter 54 to govern the  
64 performance of the commission's duties, the  
65 practice of pharmacy and the business of retailing  
66 drugs and devices. Such regulations may include,  
67 but are not limited to, provisions (1) concerning  
68 the licensing of any pharmacist or pharmacy,  
69 disciplinary action that may be taken against a  
70 licensee, the conduct of a pharmacist and the  
71 operation of a pharmacy, (2) specifying various

72 classes of pharmacy licenses issued under section  
73 20-594, including, but not limited to, licenses  
74 for infusion therapy pharmacies and nuclear  
75 pharmacies and specifying requirements for  
76 operation of pharmacies under the classes of  
77 pharmacy licenses permitted under the regulations,  
78 (3) concerning creation and maintenance of  
79 prescription records, and (4) concerning  
80 registration and activities of pharmacy interns  
81 AND PHARMACY TECHNICIANS.

82 (b) The Commissioner of Consumer Protection  
83 shall, with the advice and assistance of the  
84 Commission of Pharmacy, adopt regulations  
85 governing (1) the storage and retrieval of  
86 prescription information for noncontrolled  
87 substances, including refills, by pharmacists  
88 through the use of electronic data processing  
89 systems or other systems for the efficient storage  
90 and retrieval of information, (2) the operation of  
91 institutional pharmacies pursuant to chapters 368a  
92 and 418, sections 17a-210 to 17a-273, inclusive,  
93 and 19a-490 to 19a-520, inclusive, and sections  
94 20-570 to 20-625, inclusive, and (3) the  
95 activities of pharmacy technicians in pharmacies  
96 and institutional pharmacies, including ratios of  
97 pharmacy technicians to pharmacists in pharmacies  
98 and institutional pharmacies.

99 Sec. 4. Section 20-579 of the general  
100 statutes is repealed and the following is  
101 substituted in lieu thereof:

102 (a) The Commission of Pharmacy may refuse to  
103 authorize the issuance or renewal of a license to  
104 practice pharmacy, [or] a license to operate a  
105 pharmacy OR A REGISTRATION OF A PHARMACY INTERN OR  
106 PHARMACY TECHNICIAN, and may revoke or suspend a  
107 license to practice pharmacy, a license to operate  
108 a pharmacy, OR a registration of a pharmacy intern  
109 OR A PHARMACY TECHNICIAN, or take other action  
110 permitted in subdivision (7) of section 21a-7 if  
111 the applicant [,] OR holder of the license or  
112 [intern] REGISTRATION: (1) Has violated a statute  
113 or regulation relating to drugs, devices or the  
114 practice of pharmacy of this state, any state of  
115 the United States, the United States, the District  
116 of Columbia, the Commonwealth of Puerto Rico, any  
117 territory or insular possession subject to the  
118 jurisdiction of the United States or a foreign  
119 jurisdiction; (2) has been convicted of violating

120 any criminal statute relating to drugs, devices or  
121 the practice of pharmacy of this state, any state  
122 of the United States, the United States, the  
123 District of Columbia, the Commonwealth of Puerto  
124 Rico, any territory or insular possession subject  
125 to the jurisdiction of the United States or a  
126 foreign jurisdiction; (3) has been disciplined by,  
127 or is the subject of pending disciplinary action  
128 or an unresolved complaint before, the duly  
129 authorized pharmacy disciplinary agency of any  
130 state of the United States, the United States, the  
131 District of Columbia, the Commonwealth of Puerto  
132 Rico, any territory or insular possession subject  
133 to the jurisdiction of the United States or a  
134 foreign jurisdiction; (4) has been refused a  
135 license or registration or renewal of a license or  
136 registration by any state of the United States,  
137 the United States, the District of Columbia, the  
138 Commonwealth of Puerto Rico, any territory or  
139 insular possession subject to the jurisdiction of  
140 the United States or a foreign jurisdiction based  
141 on grounds that are similar to grounds on which  
142 Connecticut could refuse to issue or renew such a  
143 license or registration; (5) has illegally  
144 possessed, diverted, sold or dispensed drugs or  
145 devices; (6) abuses or excessively uses drugs,  
146 including alcohol; (7) has made false, misleading  
147 or deceptive representations to the public or  
148 commission; (8) has maintained exclusive telephone  
149 lines to, has maintained exclusive electronic  
150 communication with, or has exclusive access to  
151 computers located in offices of prescribing  
152 practitioners, nursing homes, clinics, hospitals  
153 or other health care facilities; (9) has  
154 substituted drugs or devices except as permitted  
155 in section 20-619; (10) has accepted, for return  
156 to regular stock, any drug already dispensed in  
157 good faith or delivered from a pharmacy, and  
158 exposed to possible and uncontrolled contamination  
159 or substitution; (11) has split fees for  
160 professional services, including a discount or  
161 rebate, with a prescribing practitioner or an  
162 administrator or owner of a nursing home, hospital  
163 or other health care facility; (12) has entered  
164 into an agreement with a prescribing practitioner  
165 or an administrator or owner of a nursing home,  
166 hospital or other health care facility for the  
167 compounding or dispensing of secret formula or

168 coded prescriptions; (13) has performed or been a  
169 party to a fraudulent or deceitful practice or  
170 transaction; (14) has presented to the commission  
171 a diploma, license or certificate illegally or  
172 fraudulently obtained, or obtained from a college  
173 or school of pharmacy not approved by the  
174 Commission of Pharmacy; (15) has performed  
175 incompetent or negligent work; (16) has falsified  
176 a continuing education document submitted to the  
177 commission or department or a certificate retained  
178 in accordance with the provisions of subsection  
179 (d) of section 20-600; (17) has permitted a person  
180 not licensed to practice pharmacy in this state to  
181 practice pharmacy in violation of section 20-605,  
182 to use a pharmacist license or pharmacy display  
183 document in violation of section 20-608, or to use  
184 words, displays or symbols in violation of section  
185 20-609; or (18) has failed to maintain the entire  
186 pharmacy premises, its components and contents in  
187 a clean, orderly and sanitary condition.

188 (b) The Commission of Pharmacy may refuse to  
189 authorize the issuance or renewal of a license to  
190 practice pharmacy, [or] a license to operate a  
191 pharmacy OR A REGISTRATION OF A PHARMACY INTERN OR  
192 PHARMACY TECHNICIAN, and may revoke or suspend a  
193 license to practice pharmacy, a license to operate  
194 a pharmacy, OR a registration of a pharmacy intern  
195 OR A PHARMACY TECHNICIAN, or take other action  
196 permitted in subdivision (7) of section 21a-7 if  
197 the commission determines that the applicant [,  
198 license holder or intern] OR HOLDER OF THE LICENSE  
199 OR REGISTRATION has a condition including, but not  
200 limited to, physical illness or loss of skill or  
201 deterioration due to the aging process, emotional  
202 disorder or mental illness, abuse or excessive use  
203 of drugs or alcohol that would interfere with the  
204 practice of pharmacy, operation of a pharmacy or  
205 activities as a pharmacy intern OR PHARMACY  
206 TECHNICIAN, provided the commission may not, in  
207 taking action against a license OR REGISTRATION  
208 holder [or intern] on the basis of such a  
209 condition, violate the provisions of section  
210 46a-73 or 42 USC Section 12132 of the federal  
211 Americans with Disabilities Act.

212 Sec. 5. Section 20-583 of the general  
213 statutes is repealed and the following is  
214 substituted in lieu thereof:

215 An appeal of a decision by the commission to  
216 discipline a person licensed to practice pharmacy  
217 or registered as a pharmacy intern OR PHARMACY  
218 TECHNICIAN, to refuse a person's application for a  
219 license to practice pharmacy or to refuse to  
220 register a person as a pharmacy intern OR PHARMACY  
221 TECHNICIAN shall be made returnable to the  
222 judicial district in which the person resides or,  
223 if the person does not reside in Connecticut, to  
224 the judicial district of Hartford-New Britain\*. An  
225 appeal of a decision by the commission to  
226 discipline the holder of a pharmacy license or the  
227 holder of a permit to sell nonlegend drugs or to  
228 refuse a person's application for such a license  
229 or permit appeal shall be made returnable to the  
230 judicial district in which the building or store  
231 is located, for which the license or permit was  
232 sought or in which it was suspended or revoked.  
233 All appeals under the provisions of this section  
234 shall be treated as privileged and shall be  
235 assigned for trial and tried as soon as may be  
236 practicable.

237 Sec. 6. Section 20-601 of the general  
238 statutes is repealed and the following is  
239 substituted in lieu thereof:

240 The Department of Consumer Protection shall  
241 collect the following nonrefundable fees:

242 (1) The fee for issuance of a pharmacist  
243 license shall be one hundred dollars, payable at  
244 the date of application for the license.

245 (2) The fee for applying to take the  
246 pharmacist license examination required in section  
247 20-590 and in section 20-591 shall be one hundred  
248 fifty dollars, payable at the date of application  
249 for the pharmacist license.

250 (3) The fee for renewal of a pharmacist  
251 license shall be the professional services fee for  
252 class A, as defined in section 33-1821. Before the  
253 commission grants a license to an applicant who  
254 has not held a license authorized by the  
255 commission within five years of the date of  
256 application, the applicant shall pay the fees  
257 required in subdivisions (1) and (2) of this  
258 section.

259 (4) The fee for issuance of a pharmacy  
260 license shall be six hundred dollars.

261 (5) The fee for renewal of a pharmacy license  
262 shall be one hundred fifty dollars.

263 (6) The late fee for an application for  
264 renewal of a license to practice pharmacy, a  
265 pharmacy license or a permit to sell nonlegend  
266 drugs shall be the amount set forth in section  
267 21a-4.

268 (7) The fee for notice of a change in  
269 officers or directors of a corporation holding a  
270 pharmacy license shall be thirty dollars for each  
271 pharmacy license held. A late fee for failing to  
272 give such notice within ten days of the change  
273 shall be twenty-five dollars in addition to the  
274 fee for notice.

275 (8) The fee for filing notice of a change in  
276 name, ownership or management of a pharmacy shall  
277 be forty-five dollars. A late fee for failing to  
278 give such notice within ten days of the change  
279 shall be twenty-five dollars in addition to the  
280 fee for notice.

281 (9) The fee for application for registration  
282 as a pharmacy intern shall be thirty dollars.

283 (10) The fee for application for a permit to  
284 sell nonlegend drugs shall be seventy dollars.

285 (11) The fee for renewal of a permit to sell  
286 nonlegend drugs shall be fifty dollars.

287 (12) The late fee for failing to notify the  
288 commission of a change of ownership, name or  
289 location of the premises of a permit to sell  
290 nonlegend drugs within five days of the change  
291 shall be ten dollars.

292 (13) THE FEE FOR APPLICATION FOR REGISTRATION  
293 AS A PHARMACY TECHNICIAN SHALL BE FIFTY DOLLARS.

294 (14) THE FEE FOR RENEWAL OF A REGISTRATION AS  
295 A PHARMACY TECHNICIAN SHALL BE TWENTY-FIVE  
296 DOLLARS.

297 Sec. 7. Section 20-607 of the general  
298 statutes is repealed and the following is  
299 substituted in lieu thereof:

300 Each person practicing as a pharmacist,  
301 PHARMACY INTERN OR PHARMACY TECHNICIAN shall at  
302 all times have available for inspection by an  
303 inspector of the Department of Consumer Protection  
304 a current certificate of license to practice  
305 pharmacy OR A CURRENT REGISTRATION TO ACT AS A  
306 PHARMACY INTERN OR PHARMACY TECHNICIAN.

307 PH COMMITTEE VOTE: YEA 22 NAY 0 JF C/R GL

308 GL COMMITTEE VOTE: YEA 16 NAY 0 JFS

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

# **FISCAL IMPACT STATEMENT - BILL NUMBER sSB 349**

STATE IMPACT                      Revenue Gain, Minimal      Workload  
   Increase, see below

MUNICIPAL IMPACT              None

STATE AGENCY(S)              Department of Consumer Protection

	Current FY	1998-99	1999-2000
State Cost	:	:	:
(savings)	:	:	:
St Revenue	:	:	:
(loss)	:	150,000	75,000
Net St Cost	:	:	:
(savings)	:	:	:
Municipal	:	:	:
Impact	:	:	:

## **EXPLANATION OF ESTIMATES:**

The bill requires the Department of Consumer Protection to register Pharmacy Technicians in the State of Connecticut. The passage of the bill would result in a revenue gain to the state's General Fund in the amount of approximately \$150,000 for FY 1998-99 and \$75,000 in FY 1999-00. There are an estimated 3,000 Pharmacy Technicians in the state. An initial license would have a fee of \$50.00 with annual renewals of \$25.00.

There would be a minimal workload increase for the department associated with registering of Pharmacy



Technicians and adopting regulations, It is expected that this minimal workload increase can be handled within the anticipated budgetary resources of the Department of Consumer Protection.

\* \* \* \* \*

### **OLR BILL ANALYSIS**

sSB 349

#### **AN ACT CONCERNING PHARMACY TECHNICIANS**

**SUMMARY:** This bill requires pharmacy technicians to register with the commissioner of the Department of Consumer Protection (DCP). The commissioner must register applicants who present satisfactory evidence that they are qualified. The application fee is \$50 and the annual renewal fee is \$25. The law already prescribes pharmacy technicians' role and necessary qualifications and requires them to work under the direct supervision of a pharmacist.

The bill also authorizes the commissioner, with the Pharmacy Commission's advice and assistance, to adopt regulations on pharmacy technician registration. Further, he may revoke, suspend, or refuse to register a technician on the same grounds as he may use to take those actions against a pharmacist and others regulated by the Pharmacy Commission. The bill allows technicians to appeal adverse decisions to Superior Court in the same way that others regulated by the commission appeal. Technicians must keep their registration certificate available for inspection by a DCP inspector.

The bill authorizes the Pharmacy Commission to refuse to issue or renew a pharmacy intern's registration on the same grounds it may now use to revoke or suspend a registration. Finally, it requires pharmacy interns to keep their registration certificates available for inspection.

EFFECTIVE DATE: October 1, 1998

#### **BACKGROUND**

##### **Pharmacy Technicians**

The law requires a technician to work under the "direct supervision of a pharmacist," which means that a supervising pharmacist is physically present in the area or where the technician is working and conducts in-process and final performance checks. They may perform routine drug dispensing functions that do not require professional judgment

A technician's qualifications must be set according to the standards of (1) an institutional pharmacy; (2) care-giving institution; (3) correctional or juvenile training institution; or (4) for technicians working in a pharmacy, regulations adopted by the consumer protection commissioner.

### **Administrative Discipline**

The Pharmacy Commission may revoke or suspend, or refuse to issue or renew, a registration or license on many grounds, including if an applicant or practitioner (1) has violated or been convicted in criminal court of violating laws relating to pharmacy practice or drugs and devices; (2) is or has been the subject of administrative discipline by an agency regulating pharmacy practice; (3) has been refused a pharmacy license or registration; (4) has illegally possessed, diverted, or sold drugs; (5) has abused drugs, including alcohol; (6) made false statements to the commission or the public; (7) has substituted drugs, except in accordance with the generic drug substitution law; (8) has accepted, for return to stock, a drug that has already been dispensed or delivered and exposed to possible contamination; and (9) performing incompetent work.

### **COMMITTEE ACTION**

#### **Public Health Committee**

Joint Favorable Change of Reference  
Yea 22      Nay 0

#### **General Law Committee**

Joint Favorable Substitute  
Yea 16      Nay 0